

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC., et al.,
Plaintiffs,

V.

9 XIU NETWORK (SHENZHEN)
TECHNOLOGY CO., LTD., et al.,
Defendants.

Case No. 19-cv-01167-JST (AGT)

ORDER REQUESTING SUPPLEMENTAL BRIEFING

Re: Dkt. No. 49

Facebook is directed to file a further supplemental brief in support of its renewed motion for leave to serve two China-based defendants by e-mail. The supplemental brief must respond to the following questions.

1. The record reflects that Facebook has exchanged e-mails with a representative of 9 Xiu Network (Shenzhen) Technology Co., Ltd. *See* ECF No. 35-3, Steele Decl. ¶¶ 6–7 & Ex. 3. Has Facebook asked this person to identify 9 Xiu’s current business address? What was the response if this question was asked? If this question wasn’t asked, why not?

2. Several courts have found a lack of reasonable diligence by a plaintiff in attempting to obtain a foreign defendant's address when, among other things, the plaintiff was in contact with the defendant or with the defendant's attorney but didn't ask for the defendant's address.¹ Are these cases materially distinguishable from this one? If so, in what ways?

Facebook has until November 16, 2020, to file its supplemental brief. If the company would like additional time to respond, so that it can first follow up with local counsel in China or with 9 Xiu's representative, it may request an extension of this deadline.

IT IS SO ORDERED.

Dated: November 9, 2020

ALEX G. TSE
United States Magistrate Judge

¹ See *Progressive Se. Ins. Co. v. J & P Transp.*, No. 11-CV-137, 2011 WL 2672565, at *3 (N.D. Ind. July 8, 2011); *Opella v. Rullan*, No. 10-CV-1134, 2011 WL 2600707, at *6 (S.D. Fla. June 29, 2011), adopted, 2011 WL 13220496 (S.D. Fla. Aug. 9, 2011); *Kott v. Superior Ct.*, 45 Cal. App. 4th 1126, 1138–39 (1996).